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I certify that the attached is a true and  
correct copy of HB# 281, which  
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and referred to the committee on:

Labor - Employment Relations

*Betty Murray*  
Chief Clerk of the House

H. B. No. 281

1987 FEB -5 AM 10:53  
HOUSE OF REPRESENTATIVES

*E. Barlow*

A BILL TO BE ENTITLED

AN ACT

relating to regulation of locksmiths; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. PURPOSE. It is the intent of the legislature to improve the general welfare and safety of the citizens of this state. To that end, the legislature finds that the locksmithing industry in this state should be regulated to protect the best interest of both the industry and the public.

SECTION 2. DEFINITIONS. In this Act:

(1) "Department" means the Texas Department of Labor and Standards.

(2) "Commissioner" means the commissioner of the Texas Department of Labor and Standards, or the commissioner's designated representative.

(3) "Board" means the Locksmithing Advisory Board.

(4) "Locksmithing" means the installation, repair, replacement, rebuilding, rearrangement, or adjustment of locks or their mechanical parts. The term includes the adjustment of locks included in safes, vaults, and vehicles.

(5) "Licensee" means a person who holds a license or certificate issued by the board.

(6) "Person" means an individual.

(7) "Locksmith" means a person who is able to demonstrate reasonable proficiency in the following procedures relating to

1     locksmithing:

2             (A) making keys, other than by means of duplication or code,  
3     to operate specific locks;

4             (B) making keys, by means of duplication or code, to operate  
5     specific locks;

6             (C) opening locks by means other than with existing keys;

7             (D) making proper repairs to damaged locks;

8             (E) properly installing locks and locking devices; and

9             (F) changing combinations of various types of locks and  
10     setting locks to master systems.

11            (8) "Safe and vault technician" means a person who is able  
12     to demonstrate reasonable proficiency in the following procedures  
13     relating to safe and vault work:

14            (A) opening safes and vaults by drilling or manipulation;

15            (B) identifying safes by outward appearance and design;

16            (C) changing combinations on the locks of safes and vaults;

17     and

18            (D) repairing locks and restoring safes and vaults to  
19     useable condition to ensure security.

20            (9) "Master locksmith" means a person whose abilities  
21     include those of a locksmith and of a safe and vault technician,  
22     who has not less than 10 years of practical experience as a  
23     locksmith, and who is able to demonstrate reasonable proficiency in  
24     the following:

25            (A) charting and laying out master key systems;

26            (B) interpreting lock specifications; and

27            (C) having a working knowledge of institutional and

1 industrial lock requirements.

2 (10) "Key duplicator" means a person who is proficient in  
3 making keys to locks by making a duplicate of an original key  
4 through the operation of a key machine.

5 SECTION 3. EXEMPTIONS. This Act does not apply to:

6 (1) an employee of the federal government, this state, or a  
7 political subdivision of this state, if the employee performs  
8 locksmithing only in the performance of official duties; or

9 (2) a person, firm, or corporation that practices any aspect  
10 of locksmithing only on property owned by that person, firm, or  
11 corporation, if the locksmithing activity does not affect the  
12 welfare or safety of the general public.

13 SECTION 4. LOCKSMITHING ADVISORY BOARD. (a) The  
14 Locksmithing Advisory Board is established as an advisory board to  
15 the department. The board is composed of six members appointed by  
16 the commissioner. Each member holds office for a term of six  
17 years, with two members' terms expiring on February 1 of each  
18 odd-numbered year.

19 (b) To be eligible for appointment to the board, a person  
20 must have experience within the locksmith industry. When possible,  
21 at least four members must be persons who are eligible for a master  
22 locksmith license under this Act. The commissioner shall consider  
23 persons recommended by locksmith associations within this state in  
24 making the appointments.

25 (c) The commissioner may remove a member of the board for  
26 inefficiency or neglect of duty in office. On the resignation,  
27 death, suspension, or incapacity of any member, the commissioner

1 shall fill the vacancy for the remainder of the vacated term with a  
2 person who represents the same interests that the predecessor  
3 represented.

4 (d) The board shall meet at least twice each year at the  
5 call of the chairman at a place designated by the chairman. A  
6 decision of the board is not effective unless it is supported by a  
7 majority of the members present at that meeting.

8 (e) The board shall advise the commissioner in the adoption  
9 of rules and in designing a licensing examination.

10 (f) A board member may not receive compensation but is  
11 entitled to reimbursement for actual and necessary expenses  
12 incurred in the performance of duties under this Act.

13 SECTION 5. LICENSES. (a) The department shall issue a  
14 license to an applicant who passes the examination prescribed by  
15 the department and who possesses any other qualifications required  
16 by this Act or a rule adopted under this Act.

17 (b) The department shall adopt rules relating to licensing  
18 and registration and shall prescribe by rule all forms required  
19 under this Act.

20 (c) Each license and registration prescribed by this Act is  
21 valid for one year from the date of issuance.

22 SECTION 6. FEES. The department, by rule, shall establish  
23 fees for each license, registration, and examination prescribed by  
24 this Act.

25 SECTION 7. EXAMINATIONS. Examinations shall be prepared by  
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27 skill, and efficiency in the field in which the applicant seeks a

1 license. A person who fails the examination may apply for  
2 reexamination at an examination to be held at least six months  
3 after the date of the failed examination. Examinations shall be  
4 offered in the state at least twice a year at times and places  
5 designated by the department.

6 SECTION 8. DEPARTMENT RESPONSIBILITY; SUSPENSION,  
7 REVOCATION, AND RENEWAL OF LICENSES. (a) The department shall  
8 enforce this Act. The commissioner shall investigate allegations  
9 of any activity that violates this Act.

10 (b) The commissioner may enter at reasonable times and  
11 without advance notice any place of business or other establishment  
12 where the alleged illegal activity occurs.

13 (c) The commissioner shall adopt rules necessary to enforce  
14 this Act and hold administrative hearings as provided by the  
15 Administrative Procedure and Texas Register Act (Article 6252-13a,  
16 Vernon's Texas Civil Statutes).

17 (d) After a hearing, the department shall suspend or revoke  
18 a license on a finding of one or more of the following grounds:

19 (1) material misstatement in the application for a license;

20 (2) wilful disregard or violation of this Act or rules  
21 adopted under this Act;

22 (3) wilfully aiding or abetting another in the violation of  
23 this Act or rules adopted under this Act;

24 (4) conviction of any crime, an essential element of which  
25 is misstatement, fraud, or dishonesty, or conviction of any felony;  
26 or

27 (5) engaging in any dishonorable or unethical conduct likely

1 to deceive, defraud, or harm the public.

2 (e) The department may reissue a license to any person whose  
3 license has been revoked if the person applies in writing to the  
4 department and shows good cause to justify reissuing the license.

5 (f) If it appears to the department that a person is  
6 violating or may violate this Act, a rule adopted under this Act,  
7 or an order of the department, the department may file a petition  
8 for injunction in the district court to enjoin the person from  
9 violating this Act.

10 (g) A party to a hearing who is aggrieved by the decision or  
11 order of the department is entitled to judicial review in the  
12 manner provided for a contested case under the Administrative  
13 Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas  
14 Civil Statutes). The commissioner may revoke or suspend the  
15 license of any licensee for a violation of any rule adopted under  
16 this Act or any provision of this Act. The commissioner may deny a  
17 license application if the applicant does not possess the requisite  
18 qualifications.

19 SECTION 9. PROHIBITED ACTS. (a) A person may not  
20 advertise, hold himself out, or act as a locksmith, master  
21 locksmith, safe or vault technician, or key duplicator unless the  
22 person holds a license issued under this Act.

23 (b) A person may not own or operate a professional key  
24 duplication machine unless the person is licensed under this Act  
25 and the machine is registered in accordance with the rules of the  
26 department.

27 (c) A person may not own a coin-operated key duplication

1 machine unless the machine is registered in accordance with the  
2 rules of the department.

3 (d) A person may not duplicate any key known to be a master  
4 key, or any key marked or stamped in any way indicating that it is  
5 a master key or a key that is not to be duplicated, unless the  
6 person is a locksmith or master locksmith licensed under this Act.

7 (e) A person may not manufacture or purchase for sale or  
8 resale to a person who is not a licensed locksmith any specialized  
9 equipment, such as a lock pick, a pressure or jiggle key, a try-out  
10 key, a depth key, or an automobile-opening device, used in the  
11 business, trade, or occupation of locksmithing, or may not dispose  
12 of the equipment to any person other than a licensed locksmith.

13 (f) A person may not sell a code manual used for  
14 locksmithing or a safe manual to any person other than a licensed  
15 locksmith.

16 SECTION 10. MASTER KEYS. Each master key made by a  
17 locksmith shall be designated by the locksmith as a master key by  
18 stamping or marking the key in a manner that identifies it as a  
19 master key. The locksmith shall cause to be placed on the key a  
20 mark that identifies the locksmith who made the key. Each  
21 locksmith shall keep a record of each person who orders a master  
22 key, a key made by code, or the opening of a locked item. The  
23 record must include the person's name, address, and driver's  
24 license number or Department of Public Safety identification  
25 number.

26 SECTION 11. COIN-OPERATED KEY DUPLICATION MACHINES. (a)  
27 With the advice of the board, the department shall adopt rules

1 relating to the regulation of coin-operated key duplication  
2 machines, including rules relating to registration requirements for  
3 those machines.

4 (b) Each coin-operated key duplication machine must be  
5 labeled with a notice that informs the user that the machine may  
6 not be used to duplicate master keys.

7 SECTION 12. CRIMINAL AND CIVIL PENALTY. (a) A person  
8 commits an offense if the person violates this Act or a rule  
9 adopted under this Act. An offense under this subsection is a  
10 Class A misdemeanor.

11 (b) If a person violates this Act or a rule adopted under  
12 this Act, the department may assess a civil penalty against that  
13 person as provided by this section.

14 (c) The department may assess the civil penalty in an amount  
15 not to exceed \$1,000. In determining the amount of the penalty,  
16 the department shall consider the seriousness of the violation.

17 (d) If, after examination of a possible violation and the  
18 facts relating to that possible violation, the department concludes  
19 that a violation has occurred, the department shall issue a  
20 preliminary report that states the facts on which the conclusion is  
21 based, the fact that a civil penalty is to be imposed, and the  
22 amount to be assessed. Not later than the 10th day after the date  
23 on which the department issues the preliminary report, the  
24 department shall send a copy of the report to the person charged  
25 with the violation, together with a statement of the right of the  
26 person to a hearing relating to the alleged violation and the  
27 amount of the penalty.

1           (e) Not later than the 20th day after the date on which the  
2 report is sent, the person charged must either make a written  
3 request for a hearing or remit the amount of the civil penalty to  
4 the department. Failure either to request a hearing or to remit  
5 the amount of the civil penalty within the time provided by this  
6 subsection results in a waiver of a right to a hearing under this  
7 Act. If the person charged requests a hearing, the hearing shall  
8 be conducted in the manner provided by Section 8 of this Act. If  
9 it is determined after hearing that the person has committed the  
10 alleged violation, the department shall give written notice to the  
11 person of the findings established by the hearing and the amount of  
12 the penalty, and shall enter an order requiring the person to pay  
13 the penalty.

14           (f) Not later than the 30th day after the date on which the  
15 notice is received, the person charged must pay the civil penalty  
16 in full, or, if the person wishes to contest either the amount of  
17 the penalty or the fact of the violation, remit the assessed amount  
18 to the department for deposit in an escrow account. If, after  
19 judicial review, it is determined that no violation occurred or  
20 that the amount of the penalty should be reduced, the department  
21 shall remit the appropriate amount to the person charged with the  
22 violation not later than the 30th day after the date on which the  
23 judicial determination becomes final.

24           (g) Failure to remit the amount of the civil penalty to the  
25 board within the time provided by Subsection (f) of this section  
26 results in a waiver of all legal rights to contest the violation or  
27 the amount of the penalty.

1           (h) A civil penalty owed under this section may be recovered  
2 in a civil action brought by the attorney general at the request of  
3 the department.

4           SECTION 13. APPLICATION OF SUNSET ACT. The board is subject  
5 to the Texas Sunset Act (Chapter 325, Government Code). Unless  
6 continued in existence as provided by that Act, the board is  
7 abolished and this Act expires September 1, 1999.

8           SECTION 14. INITIAL APPOINTMENTS. In making the initial  
9 appointments to the board, the commissioner shall designate two  
10 members for terms expiring on February 1, 1989, two members for  
11 terms expiring on February 1, 1991, and two members for terms  
12 expiring on February 1, 1993.

13          SECTION 15. GRANDFATHER CLAUSE. Until January 1, 1988, any  
14 locksmith or safe or vault technician who is a resident of the  
15 state and who, during the 24 months preceding the effective date of  
16 this Act, practiced in the respective field shall be licensed  
17 without examination upon submitting to the department proof of that  
18 experience on an application form prescribed by the department.

19          SECTION 16. EFFECTIVE DATE. (a) Except as provided by  
20 Subsection (b) of this section, this Act takes effect September 1,  
21 1987.

22          (b) Sections 9 and 12 of this Act take effect January 1,  
23 1988.

24          SECTION 17. EMERGENCY. The importance of this legislation  
25 and the crowded condition of the calendars in both houses create an  
26 emergency and an imperative public necessity that the  
27 constitutional rule requiring bills to be read on three several

1 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1937 APR 15 AM 10:21  
HOUSE OF REPRESENTATIVES

1st Printing

By Barton

H.B. No. 281

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17 (d) After a hearing, the department shall suspend or revoke  
18 a license on a finding of one or more of the following grounds:

19 (1) material misstatement in the application for a license;  
20 (2) wilful disregard or violation of this Act or rules  
21 adopted under this Act;

22 (3) wilfully aiding or abetting another in the violation of  
23 this Act or rules adopted under this Act;

24 (4) conviction of any crime, an essential element of which  
25 is misstatement, fraud, or dishonesty, or conviction of any felony;  
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27 (5) engaging in any dishonorable or unethical conduct likely

1 to deceive, defraud, or harm the public.

2 (e) The department may reissue a license to any person whose  
3 license has been revoked if the person applies in writing to the  
4 department and shows good cause to justify reissuing the license.

5 (f) If it appears to the department that a person is  
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22 amount to be assessed. Not later than the 10th day after the date  
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27 amount of the penalty.

(e) Not later than the 20th day after the date on which the report is sent, the person charged must either make a written request for a hearing or remit the amount of the civil penalty to the department. Failure either to request a hearing or to remit the amount of the civil penalty within the time provided by this subsection results in a waiver of a right to a hearing under this Act. If the person charged requests a hearing, the hearing shall be conducted in the manner provided by Section 8 of this Act. If it is determined after hearing that the person has committed the alleged violation, the department shall give written notice to the person of the findings established by the hearing and the amount of the penalty, and shall enter an order requiring the person to pay the penalty.

(f) Not later than the 30th day after the date on which the notice is received, the person charged must pay the civil penalty in full, or, if the person wishes to contest either the amount of the penalty or the fact of the violation, remit the assessed amount to the department for deposit in an escrow account. If, after judicial review, it is determined that no violation occurred or that the amount of the penalty should be reduced, the department shall remit the appropriate amount to the person charged with the violation not later than the 30th day after the date on which the judicial determination becomes final.

(g) Failure to remit the amount of the civil penalty to the board within the time provided by Subsection (f) of this section results in a waiver of all legal rights to contest the violation or the amount of the penalty.

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27 constitutional rule requiring bills to be read on three several

H.B. No. 281

1 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

Amend H.B. 281, SECTION 3, on page 3, by striking the period on line 12 and substituting in lieu thereof the following:

"; or",

and by adding new subsections (3) and (4) to read as follows:

"(3) a homebuilder, or an employee or subcontractor of a homebuilder, who installs locks in a house being constructed by the homebuilder; or

(4) a person who holds a general distinguishing number issued by the Texas State Department of Highways and Public Transportation or an employee, contractor or an agent of that person."

Thompson of Tarrant

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

4-1-87  
(date)

Sir:

We, your COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS,

to whom was referred HB 281 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

- ( ) do pass, without amendment.
- (x) do pass, with amendment(s).
- ( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x)yes ( ) no An actuarial analysis was requested. ( ) yes (x)no

An author's fiscal statement was requested. ( ) yes (x)no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure (x)proposes new law. ( ) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Criss, Ch.	✓			
Roberts, V.C.		✓		
Martinez, C.B.O.				✓
Betts	✓			
Hinojosa	✓			
Moreno, P.	✓			
Shine		✓		
Thompson, G.	✓			
Watkins				✓

Total  
5 aye  
2 nay  
0 present, not voting  
2 absent

Lloyd Criss  
CHAIRMAN  
Laura Calfee  
COMMITTEE COORDINATOR

## LABOR AND EMPLOYMENT RELATIONS

House Bill 281 by Barton

### BILL ANALYSIS

#### BACKGROUND INFORMATION

Locksmiths, in general, are not regulated or licensed by the State of Texas. A locksmith who installs or services detection devices, who conducts investigations or who is a security service contractor is regulated by The Private Investigators and Private Security Agencies Act, Article 4413(29bb), V.A.C.S..

#### PURPOSE

The purpose of House Bill 281 is to require a locksmith to be licensed after an examination of his knowledge of the trade and after an investigation into his background.

#### SECTION BY SECTION ANALYSIS

Section 1 states that the purpose of the bill to protect Texas citizens by regulating the locksmithing industry.

Section 2 provides definitions used in the bill.

Section 3 enumerates exemptions from regulation. The exemptions are:

- (1) a locksmith who is employed by a government.
- (2) a locksmith who works only on property he owns and who does not affect the general public.
- (3) a person who works for a homebuilder.
- (4) a person who works for a auto dealer registered with the Department of Highways and Public Transportation.

Section 4 establishes the Locksmithing Advisory Board within the Department of Labor and Standards (TDLS). Each board member is appointed by the commissioner of TDLS to overlapping, six-year terms. This section lists the qualifications of each board member and provides for removal of a member. It sets out the board's duties.

Section 5 gives TDLS the authority to issue licenses, administer examinations and adopt rules. Licenses are valid for one year from date of issue.

Section 6 allows TDLS to establish license, registration and examination fees.

Section 7 provides authority to develop and administer examinations. It allows a person who failed the test previously to retake it after six months. TDLS is directed to offer exams at least twice yearly.

Section 8 gives TDLS the responsibility to enforce the act, hold hearings and revoke or suspend licenses for cause. It provides an appeals process for aggrieved individuals.

Section 9 lists prohibited acts. They are:

- (a) working as locksmith unless the person is licensed under this Act.
- (b) owning a coin-operated key machine unless the owner is a licensed locksmith.
- (c) owning a coin-operated key machine unless it is

- properly registered.
- (d) duplicating a master key unless a licensed locksmith.
  - (e) manufacturing or purchasing for sale or resale to a person not a locksmith any tools used in locksmithing.
  - (f) selling a code manual used for locksmith or a safe manual to any person unless that person is a locksmith.

Section 10 instructs locksmiths:

- (1) to mark each master key made in a manner that identifies it as a master key,
- (2) to place a mark on any master key made to identify the locksmith who made the key and
- (3) to keep a record of each person who orders a master key or a key made by code or who requires opening a locked item.

Section 11 requires TDLS to develop rules covering coin-operated key duplication machines.

Section 12 establishes that a violation of the act or a rule is a Class A Misdemeanor, that is, punishable by a fine not to exceed \$2,000, or confinement in jail for a term not to exceed one year, or both. It authorizes TDLS to assess civil penalties not to exceed \$1,000 and/or suspension or revocation of license. This section provides the process for assessing administrative penalties.

Section 13 applies the Texas Sunset Act to the advisory board in 1999.

Section 14 provides for the initial appointments of advisory board members.

Section 15 is a grandfather clause for all locksmiths practicing in Texas for the 24 months previous to Jan. 1, 1988.

Section 16 sets effective the date of Sept. 1, 1987, for all sections except Sections 9 and 12, which take effect Jan. 1, 1988.

Section 17 is the emergency clause.

#### RULEMAKING AUTHORITY

HB 281 grants rulemaking authority to the Texas Department of Labor and Standards.

Section 5(b) directs TDLS to adopt rules for licensing and registering locksmiths and for forms required to carry out the procedures.

Section 6 requires TDLS to adopt rules establishing fees for licenses, registrations and examinations.

Section 8(b) directs the commissioner to adopt rules necessary to enforce the act and hold administrative hearings.

Section 11(a) directs TDLS to adopt rules for registration of and regulation of coin-operated key duplication machines.

#### SUMMARY OF COMMITTEE ACTION

Pursuant to public notice posted in accordance with House Rules, HB 281 was heard in public hearing on Feb. 10, 1987. The following witnesses testified in favor of the bill: Keith Cox, Greater Houston Locksmith Association, Harold D. Chipps, locksmith, and Neal Miller. Sarah Swanson, Texas Association of Builders, testified on the bill. Testifying against the bill were Ann Thompson,

locksmith; Terry Simons, Locksmith Association of San Antonio; Keith Knott, locksmith; Ty Lafe Pippin, locksmith; and Ronald Parker, locksmith.

At the public hearing, the bill was sent to a subcommittee composed of Representatives Thompson, chair, Betts, Martinez, and Roberts. The subcommittee met, pursuant to public notice posted March 24, 1987, on March 25, 1987, at 11:20 a.m. in the back hall of the House after the rules had been suspended. The subcommittee adopted an amendment that exempts from licensing employees of homebuilders and of auto dealers by a record vote of 4 ayes, 0 nays and 0 present not voting. The subcommittee reported HB 281, as amended, favorably by a record vote of 3 ayes, 1 nay 0 present not voting.

The full Committee considered the bill in formal meeting for the last time on April 7, 1987, on the House Floor at desk #128, following an announcement by the journal clerk while the House was in session. At that meeting, HB 281 was reported to the Floor with the recommendation that it do pass by a record vote of 5 ayes, 2 nays and 0 present not voting, as amended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 10, 1987

TO: Honorable Lloyd Criss, Chair  
Committee on Labor and Employment Relations  
House of Representatives  
Austin, Texas

In Re: House Bill No. 281,  
as amended  
By: Barton

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 281, as amended (relating to regulation of locksmiths) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would provide for the licensing and regulation of master locksmiths, safe and vault technicians, locksmiths, key duplicator operators, and key duplicating machines through the Texas Department of Labor and Standards. The bill would create a Locksmithing Advisory Board as an advisory board to the Department of Labor and Standards. The advisory board would advise the Department of Labor and Standards in the adoption of rules and the designing of a licensing examination. The Department of Labor and Standards would establish fees for each license, registration, and examination. Exams would be offered in the state at least twice a year at times and places designated by the Department. The bill would designate the Department of Labor and Standards to enforce the Act; including suspension, revocation and renewal of licenses. The bill would also provide for criminal and civil penalties and would contain a grandfather clause for locksmiths and safe and vault technicians.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$2,057,000	\$558,764	+ 16.5
1989	1,634,950	513,475	+ 16.5
1990	1,657,000	481,336	+ 16.5
1991	1,680,050	465,041	+ 16.5
1992	1,701,000	454,965	+ 16.5

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Department of Labor and Standards;  
LBB Staff: JO, HES, JWH, JH, MC

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 9, 1987

TO: Honorable Lloyd Criss, Chair  
Committee on Labor and Employment Relations  
House of Representatives  
Austin, Texas

In Re: House Bill No. 281  
By: Barton

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 281 (relating to regulation of locksmiths) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would provide for the licensing and regulation of master locksmiths, safe and vault technicians, locksmiths, key duplicator operators, and key duplicating machines through the Texas Department of Labor and Standards. The bill would create a Locksmithing Advisory Board as an advisory board to the Department of Labor and Standards. The advisory board would advise the Department of Labor and Standards in the adoption of rules and the designing of a licensing examination. The Department of Labor and Standards would establish fees for each license, registration, and examination. Exams would be offered in the state at least twice a year at times and places designated by the Department. The bill would designate the Department of Labor and Standards to enforce the Act; including suspension, revocation and renewal of licenses. The bill would also provide for criminal and civil penalties and would contain a grandfather clause for locksmiths and safe and vault technicians.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Gain to the General Revenue Fund</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$2,057,000	\$558,764	+ 16.5
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1992	1,701,000	454,965	+ 16.5

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Department of Labor and Standards;  
LBB Staff: JO, HES, JWH, JH, PA

H. B. No.

281

By E. Bauld

A BILL TO BE ENTITLED

AN ACT

relating to regulation of locksmiths; providing a penalty.

JAN 14 1987

1. Filed with the Chief Clerk.

FEB 3 1987

2. Read first time and Referred to Committee on

Labor & Employment Relations

APR 7 1987

3. Reported \_\_\_\_\_ favorably (as amended) and sent to Printer at 10:47am  
(as substituted)

APR 13 1987

APR 15 1987

4. Printed and distributed at 10:21am

APR 16 1987

5. Sent to Committee on Calendars at 3:36pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
1987 APR 15 AM 10:21